

NEWS NOTES

of the Central Committee for Conscientious Objectors

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Philadelphia, Pa.

First Woman C.O. Imprisoned

Mother of Four Openly Violates Probation Enters Nebraska Missile Base Again

Marjorie Swann, from Trevoise, Pa., near Philadelphia, entered the forbidden Mead missile base near Omaha, Nebraska a second time on August 10. She was immediately arrested by the U.S. Marshal and brought before Federal Judge Richard E. Robinson. Several days earlier (July 22) Marjorie Swann had been found guilty of a similar offense and was given a suspended sentence of six months in jail and a fine of \$500, and then placed on probation. Because of the second unlawful entry into the base, the court revoked probation and sent her to jail.

When Judge Robinson questioned Marjorie Swann about her responsibility to her four children, she replied that while her children undoubtedly would suffer as a result of her absence, she felt it an important part of her duties as a mother to work for a world in which her children could live their lives in peace. When asked what she thought would happen if all mothers were to act as she had done, she replied that if this were to occur the objectives for which she was working would be achieved.

The court also revoked probation for Arthur Harvey of Sheffield, Mass. who again entered the missile base with Marjorie Swann. Execution of a six months prison sentence and \$500 fine was ordered.

Swann and Harvey carried on a four-day vigil and fast at the gate to the Mead missile site before their arrest on August 10. The vigil and probation suspension ended the eight weeks direct action campaign against American missile policy carried on by Omaha Action under the leadership of Bradford Lyttle and A. J. Muste. Fifteen members of the group offered civil disobedience during the campaign. Eight were sent to jail.

Four at Springfield Visited

Late in August CCCO executive secretary George Willoughby visited the four missile base protesters, imprisoned at the Federal Medical Center in Springfield, Missouri. Brad Lyttle is working as a clerk in the parole office, Don Fortenberry is employed on the prison farm, Ed Lazar works in the ice and power houses, and Karl Meyer works in the prison kitchen. They report a great deal of freedom in the prison camp after work and on weekends which they spend in reading and physical exercise. The chief complaint, according to Lyttle, is the lack of privacy in the crowded prison camp.

(Continued on page 3)

Two C.O.'s Are Pardoned

Only 12 conscientious objectors and six Jehovah's witnesses convicted of draft law violations under the 1940 or 1948 draft laws have applied for pardons since January, 1957, according to information recently received from the United States Pardon Attorney in Washington, D.C.

Two of the 12 C.O.'s who applied, Marshall Nevin Palley and Joe Frederick Nunnally, were granted pardons; two were denied; two are awaiting action by the U.S. Attorney General; and six are under investigation. One Jehovah's witness was granted a pardon during this period.

U.S. Pardon Attorney Reed Cozart stated that there has been no change in the Attorney General's pardon policy for conscientious objectors. A C.O. will be considered for pardon if he has served honorably in the military forces or in civilian C.O. work after conviction of a draft violation; or if he agrees to obey all laws, including the draft law; or if he is over 35 years of age and no longer subject to Selective Service. A C.O. whose name has been associated with so-called left wing political groups will experience difficulty in securing a pardon.

The Attorney General's pardon policy virtually bars any C.O. convicted of violating the 1948 draft law from securing a pardon unless he repudiates his C.O. stand. C.O.'s convicted under the 1940 draft are mostly over the 35 year of age and presumably are eligible for pardons since they are no longer subject to Selective Service. However, relatively few C.O.'s have applied for pardons during the past years.

Applicants for pardons must have the recommendation of the U.S. Pardon Attorney and the endorsement of the Attorney General. The President must give final approval. Applicants who are rejected may apply again. C.O.'s interested in securing a pardon should request the necessary application forms from the U.S. Pardon Attorney, Washington, D.C. CCCO is prepared to assist any C.O. seeking a pardon.

C.O.'s Win Right to Teach

The California State Board of Education recently accepted the recommendation of its hearing officer that Milo Keith Barnhart, C.O. from Arcata, California, be granted a teaching credential despite his conviction in 1951 of refusing to accept noncombatant military duty.

The Credential Commission of the State Board had earlier denied Barnhart's application on the ground that he had been convicted of an offense involving moral turpitude. Barnhart, a member of the Church of the Brethren, contended that moral turpitude was not inherent in the draft conviction of a conscientious objector and relied upon a California court decision of last December which held that Arthur Clark, another prison C.O., could not be denied a teaching credential on the ground of moral turpitude.

The Los Angeles Area Committee for Conscientious Objectors reports that the California State Board of Education had suggested to Robert Friend, a prison C.O. during World War II and presently teaching in Spyrock, California, that he surrender his teacher's credential. Friend refused and retained J. B. Tietz as counsel who reminded the State Board of the Arthur Clark decision. The State Board has taken no further action and Friend has accepted a school principalship for the coming year.

Abel Castro, a J.W. convicted in 1942 for refusing induction, was also ordered by the Board of Education to surrender his teacher's credential. The State Board's request was later withdrawn on the basis of the Clark decision.

Tax Refuser Charges Dropped

U.S. District Attorney Harold K. Wood, Philadelphia, announced on August 8 that charges of tax evasion against Juanita Nelson of Philadelphia were being dropped. Wood stated that no proof was ever brought to his office that Juanita Nelson earned enough money to make payment of federal income taxes necessary. He said, "she is violating no income tax law as far as we are concerned."

Juanita Nelson had been apprehended on June 16 by Federal authorities, assisted by Philadelphia policemen, on authority of a "body attachment" issued by U.S. Commissioner Edward Furia. She was charged with refusing to give certain information about her income to Internal Revenue officials as required by the income tax law. Juanita Nelson refused to cooperate with authorities and was wheeled before Commissioner Furia. After informing Juanita Nelson that she was guilty of contempt in refusing to supply the information as requested by the government Commissioner Furia gave her three days in which to purge herself and then set her free. Following her release Nelson made no effort to purge herself. Internal Revenue agents continued their efforts to secure more information about her previous employment.

Juanita Nelson and her husband, Wallace, have openly refused for many years to pay any federal income taxes or to file returns as required by law. As pacifists they believe they must refuse to pay the federal income tax which is used to help maintain U.S. military efforts.

I Propose to Turn That Key

I came to this demonstration of Omaha Action because I am appalled at the situation which has come about in the world through the developments of the past few years. I believe that if the military and foreign policy of our government is not radically changed before very long, the practical destruction of the human race is inevitable.

My one desire in this critical time is to make a minimum protest against the unnecessary descent of mankind into oblivion. I believe that at the present time and under the circumstances of today, this protest requires me to serve this time in prison.

If I were an orator, or a great writer, or a diplomat, perhaps I would not need to do this. But for me the processes of education, of speaking, of conferences, of writing alone, seem likely to be too little and too late. There come times in history when action is essential to break through the hard crust of inertia and custom. I believe this is one of those times.

It is in the tradition of my people, Quakers, to go to prison rather than take part in war. I believe that the time has come for me as a Quaker and as a human being to go to prison as a protest against preparation for war.

You told me the other day that you were turning the prison key over to me. By my own act in joining a vigil at the Mead Ordnance Plant I propose to turn the key.

(From a public statement by Wilmer Young, 71-year-old Quaker from Wallingford, Pa., just before he prepared to violate terms of probation by rejoining the Omaha Action group conducting the vigil at the gate to the Mead Air Force base near Omaha, Nebraska in July. Young had earlier been convicted of unlawful entry into a military reservation and sentenced to six months in jail and \$500 fine. The court placed him on probation for one year on condition that he not engage in direct action at any military base. Young was arrested before he rejoined the vigil. Judge Robinson declined to revoke probation and jail Wilmer Young.)

JUNIOR C.O. CORNER

Heroic Jack Horner
Stands in a corner
Behind a Prison wall
But he's undismayed
For God he obeyed
When he said, "No" to the draft board's call.

— Helen Czekela

How Many C.O.'s Are There?

According to Selective Service 15,385 C.O.'s have been classified I-O or I-A-O under the present draft law as of April 1, 1959. Of this total 5,482 I-O men have completed two years of compulsory civilian work, with 1,876 currently performing such work.

No official figures are available as to the number of I-O and I-A-O men who are overage and have been classified V-A. Harold Sherk of the National Service Board estimates at least 3,000 C.O.'s have been classified V-A.

Selective Service reports that it does not have official figures of the number of I-A-O men who have been drafted under the present draft law for noncombatant duty in the military. A minimum estimate of this number is 10,000.

We also estimate that approximately 500 C.O.'s failed to secure a C.O. classification and served prison sentences. This figure does not include any Jehovah's witnesses.

No figures are available on the number of C.O.'s who are awaiting classification or who have deferred classifications. We estimate this group to total several thousands.

Briefly Noted

David Gale has resigned as CCCO administrative assistant after serving in this capacity for one year. Martin Oppenheimer, former CCCO administrative assistant, will succeed David Gale.

* * *

Richard Roark, Berkeley, Calif., recently was reclassified IV-F (physically, mentally or morally unfit for draft duty) by his local board. Roark had been honorably discharged from the Army as a Second Lieutenant last February as a conscientious objector. His board then classified him I-O, but changed the classification to IV-F following a pre-induction physical examination which Roark submitted to recently.

* * *

The Iowa State legislature last spring failed to enact into law a bill which would have repealed a section of Iowa law that disqualified conscientious objectors from employment in the municipal civil service. The Iowa Senate passed the bill with only two dissenting votes. However, a similar bill failed to reach the floor of the lower house of the legislature.

* * *

Louis Palmier recently resigned his teaching responsibilities at the Pennsbury high school in Bucks County, Pa., rather than cooperate further with the school's civil defense drills. For some time school authorities had recognized Palmier's conscientious objection to civil defense drills and assigned him to duties which he was willing to perform. Last May the school principal informed Palmier, a Quaker C.O. from Levittown, Pa., that his responsibilities to his students were superior to those of his conscience and that he would have to obey the

C.O. Discharge Memo Available

To assist C.O.'s seeking discharge from military duty CCCO has prepared a three-page mimeographed memorandum, "Obtaining Discharge From the Armed Forces Because of Conscientious Objection to War." The memo was prepared primarily to help those men who became C.O.'s after they entered a military program and who are unable to perform any military duty without compromising their conscientious objection to war.

The memo points out that while the Armed Forces and their Reserve programs make no provision for discharge because of conscientious objection other grounds for discharge do exist and can be used to release C.O.'s from further military duty. Detailed suggestions are included to assist the C.O. in preparing an application for honorable discharge.

The memo on military discharges for C.O.'s will also be useful to C.O. counselors. Copies of the memo are available from CCCO without charge.

FIRST WOMAN C.O.

(Continued from page 1)

Two Released From Jail

John White and Erica Enzer were released from Saunders County Jail, Wahoo, Nebraska on August 12 after serving out their \$75 fines and costs at the rate of \$3 per day. They should have been released three days earlier but county authorities retained the two in jail and demanded that they each sign a pauper's oath. The two C.O.'s refused to sign and were informed that unless they signed they would be in jail until they paid their fines. Following the third request for signatures Justice of the Peace Hunter released the two without further delay. White and Enzer had been convicted in July of obstructing traffic on a public road after they had offered civil disobedience by sitting on a roadway leading into the missile base. Both have returned to their homes in Chicago.

law. Palmier has accepted a teaching post in a Quaker school in the Philadelphia area.

* * *

The U.S. Court of Military Appeals upheld on August 7 the conviction of former Marine Corps private, Peter H. Green of Evanston, Ill., for unauthorized absence and "The wrongful and malicious publication" of two statements disparaging the corps. After serving six months at hard labor Green was given a bad conduct discharge.

Six months after enlisting in the Marines in 1957 Green became a C.O. to combatant duty. The Court of Military Appeals did not consider Green's claims as a C.O.

* * *

The Fourth U.S. Circuit Court of Appeals, on June 10, upheld the refusal of the State Department to issue a new passport to William Worthy Jr., WW II conscientious objector, after he had traveled to mainland China in 1956 in violation of the State Department's ban. The court held that travel restrictions were a matter of foreign policy, beyond the reach of the courts. Worthy is appealing to the U.S. Supreme Court.

Koster Gets Broker's License

A three year legal battle ended successfully for Henry Koster last May when the New York State Insurance Commissioner granted Koster an insurance broker's license. Koster's application for a broker's license was denied in 1956 on the ground that Koster, a prison C.O., was not a "competent and trustworthy person" as required by New York State Insurance Law. Koster, a Brooklyn, N. Y. C.O. was sentenced to three years imprisonment in 1951 for refusing induction into the armed forces. He was paroled after serving one year.

The Insurance Commissioner declined to reconsider the decision and an appeal was taken to the Appellate Division of the New York State Supreme Court which sustained the Insurance Department.

In January, 1958 the Court of Appeals for New York overruled the lower court and ordered the Insurance Department to give a full hearing to Koster to determine the facts behind the conviction. The court ruled that denial of the application for a license would be arbitrary and capricious if Selective Service records indicated that Koster was a sincere person but one whose beliefs did not entitle him to conscientious objector status under the draft law.

After 12 months delay the Insurance Commissioner notified Henry Koster to appear for an investigation. Herman Adlerstein, attorney for Koster, protested the investigation and demanded a full hearing as ordered by the Court of Appeals. The investigation was postponed and Koster's attorney entered a motion before the Court of Appeals to compel the Insurance Commissioner to hold the hearing as ordered by the court. After several additional delays the Insurance Commissioner granted Koster a broker's license without a hearing.

THE COURT REPORTER

I PROSECUTIONS

Sentences not previously reported

1-9-59 Charles Edgar Garrison, two years, (Indianapolis) Judge Steckler, refusal of induction

1-20-59 John Decker, two years, (Newton, Kansas) Judge Luther Hill, refusal of civilian work

Probation revoked

8-10-59 Arthur Harvey } Sentences of six
Marjorie Swann } months and \$500
fines ordered executed for probation violation, (Omaha, Nebraska) Judge Richard E. Robinson, unlawful entry into military reservation

Arrests

California—John Stoltenberg

II RELEASED FROM PRISON

8-12-59 Erica Enzer

8-12-59 John White

III CURRENTLY IMPRISONED

Alderson, W. Va.—Marjorie Swann

Sandstone, Minn.—Arthur Harvey

Springfield, Mo.—John Decker, Donald Fortenberry, Charles Edgar Garrison, Ed Lazar, Bradford Lyttle, Karl Meyer

Tallahassee, Fla.—Marvin Tamarkin

Terminal Island, Calif.—William A. Kariakin

Tucson, Ariz.—Richard G. Keene

(Total number of C.O.'s convicted of Selective Service violations since 1948 to date, 345. This is a minimum number; J.W.'s and Muslims are not included, and we miss a few.)

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